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U.S. DISTRICT COURT

Richard V. Gose, Attorney at Law
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(928) 632-4181
A licensed Attorney for himself, the Plaintiff

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

RICHARD V. GOSE, a single man,

Civil No. 02 CV 195J

Plaintiff,

PLAINTIFF HAS REQUESTED
APPROVAL OF THIS MOTION
FROM OPPOSING COUNSEL AND
IT HAS BEEN REFUSED

v.,

THE CITY OF DOUGLAS, WYOMING,
KENNETH TAYLOR, JAMES SCHNEIDAR,
BRIAN SWEENEY, SANDRA HUMPHREY,
SHERRI MULLINNIX, FRED W. DILTS III
and BOBBE FITZHUGH,

Defendants.

MOTION IN LIMINE AS TO TESTIMONY OF FRED W. DILTS III, EXCLUDING
TESTIMONY OF HIS LEGAL CONCLUSIONS AS TO RECORD OF COUNTY ROAD NO.
56, AND STRIKING FRED W. DILTS III FROM EXPERT WITNESS LIST

Comes now the Plaintiff, Richard V. Gose, and moves the Court for an Order in Limine,
preventing Fred W. Dilts from giving legal opinions or legal instruction to the jury on any subject
before this Court. Plaintiff refers first to the listing of Witnesses in Defendants Pretrial
Memorandum, and as to the listing of the Witness with the declaration specifically setting out that
Dilts will testify regarding the legal requirements relating to the dedication of a public highway,

including his legal conclusion that there is no sufficient record that the County Road 56 exists as a legal public highway and his evaluation of the evidence in this case and asks the court to prevent this testimony of a legal opinion or legal instruction of the jury for only the Court may instruct this Jury and this does not include Fred W. Dilts's legal opinions as testimony to this jury, as set out in Defendants' declaration.

Plaintiff also moves to strike Fred W. Dilts III as an expert witness for there is no declaration as to a complete statement of all opinions to be expressed and the basis and reasons therefore; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; as required by FED R. CIV. P. 26(a)(2); U.S.D.C.L.R. 26.1 (f); SMITH v. FORD MOTOR COMPANY, 626 F.2d 784 (10thCir.1980), as set out in paragraph 4. of the Court's ORDER RULING ON DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S EXPERT WITNESS DESIGNATION. The designation of Fred W. Dilts III sets out that "Mr. Dilts may testify regarding the legal requirements relating to the dedication of a public highway. Mr. Dilts may further testify regarding his evaluation of the evidence in this case, and his legal conclusion that there is no sufficient record that the County Road 56 exists as a legal public highway.", all without any specific references to the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as summary of or support for the opinions; as is required, as set out above.

WHEREFORE, Plaintiff prays the Court for an order in Limine, preventing Fred W. Dilts III from giving a legal opinion or testifying thereto the following matters in Defendants' declaration (1), Mr. Dilts may testify regarding the legal requirements relating to the dedication of a public highway. (2) Mr. Dilts may further testify regarding his evaluation of the evidence in this case. (3) Mr. Dilts may testify as to his legal conclusion that there is no sufficient record that County Road 56 exists as a legal public highway.

WHEREFORE, Plaintiff also prays the Court for an order, striking Fred W. Dilts III as a designated expert witness in this case for the reasons set out above.

RESPECTFULLY SUBMITTED,



Richard V. Gose, Attorney at Law
Attorney for Plaintiff

CERTIFICATION

Comes now the Plaintiff and certifies that he has hand delivered, a copy of these pleadings to opposing counsel, Rick L. Koehmstedt, 141 South Center Street, Suite 500, Casper, Wyoming 82601 on the 6th day of August, 2003.


